



Date: March 6, 2017

Subject: Probate: Changes to case access and notifications for some beneficiaries

Effective: March 2, 2017

Note: This alert supersedes the alert from February 16, 2016: *Request for Notice in Probate 633.42*.

Beneficiaries who are named in the will and added by the attorney as parties on the case are no longer indexed as case parties in EDMS. Beneficiaries added to the case this way will not have access to the case or receive notifications. This change was approved by the Clerks Manual Committee.

To have access to the case and to receive notifications, beneficiaries added to the case this way must file a Petition for Intervention.

Interested nonparties, defined in Iowa code section 633.48 as "any person interested in the estate," must file a Request for Notice.

The **Request for Notice** Document Type has been added to the Probate Common Filings category. When an interested nonparty files a Request for Notice, EDMS sends notification to all parties—including the personal representative and/or the personal representative's attorney—that this nonparty wants notice of hearings on the case.

The code says the personal representative or the personal representative's attorney is responsible for notifying these nonparties:

"Thereafter, the personal representative shall, unless otherwise ordered by the court, serve, by ordinary mail, upon such person, or the person's attorney, if any, a notice of each hearing."

This responsibility has not changed with electronic filing. It remains for the personal representative or the personal representative's attorney to mail notice to nonparties who have filed a Request for Notice in EDMS.

Beneficiaries who make application and are permitted by order to intervene on a case will be indexed as case parties and will get full case access and notifications; they therefore need not file a Request for Notice in the case in order to get service.